

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 24 September 2004

**on the signature and provisional application of a Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union**

(2005/89/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of Article 300(2) thereof,

Having regard to the 2003 Act of Accession<sup>(1)</sup>, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 10 February 2004, the Council authorised the Commission, on behalf of the European Community and its Member States, to open negotiations with Egypt with a view to adjusting the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the new Member States to the EU.
- (2) These negotiations have been concluded to the satisfaction of the Commission.
- (3) The text of the Protocol negotiated with the Arab Republic of Egypt provides, in Article 12(2), for the provisional application of the Protocol before its entry into force.
- (4) Subject to its possible conclusion at a later date, the Protocol should be signed on behalf of the Community and applied provisionally,

HAS DECIDED AS FOLLOWS:

*Article 1*

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, and subject to its conclusion, the Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union.

The text of the Protocol is attached to this Decision.

*Article 2*

The European Community and its Member States hereby agree to apply provisionally the terms of the Protocol, subject to its possible conclusion at a later date.

Done at Brussels, 24 September 2004.

For the Council  
The President  
L. J. BRINKHORST

<sup>(1)</sup> OJ L 236, 23.9.2003, p. 33.

**PROTOCOL**

**to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union**

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'EC Member States' represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community' represented by the Council of the European Union and the European Commission,

of the one part, and

THE ARAB REPUBLIC OF EGYPT, hereinafter referred to as 'Egypt',

of the other part,

WHEREAS the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, hereinafter referred to as 'the Euro-Mediterranean Agreement', was signed in Luxembourg on 25 June 2001 and entered into force on 1 June 2004;

WHEREAS the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union and the Act thereto was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

WHEREAS an Agreement in the form of an Exchange of Letters providing for the provisional application of the trade and trade-related provisions of the Euro-Mediterranean Agreement entered into force on 1 January 2004;

WHEREAS, pursuant to Article 6(2) of the 2003 Act of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement must be agreed by the conclusion of a Protocol to the Euro-Mediterranean Agreement;

WHEREAS consultations pursuant to Article 21 of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Community and Egypt,

HAVE AGREED AS FOLLOWS:

#### Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic hereby become Contracting Parties to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, as well as of the Joint Declarations, Declarations and Exchanges of Letters.

#### Article 2

To take account of recent institutional developments within the European Union, the Parties agree that following expiry of the Treaty establishing the European Coal and Steel Community, existing provisions in the Agreement referring to the European Coal and Steel Community shall be deemed to refer to the European Community, which has taken over all rights and obligations contracted by the European Coal and Steel Community.

#### CHAPTER I

#### AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS ANNEXES AND PROTOCOLS

##### Article 3

#### Agricultural products

Protocol 1 shall be replaced by the text in the Annex to this Protocol.

##### Article 4

#### Rules of Origin

Protocol 4 shall be amended as follows:

1. Article 18(4) shall be replaced by the following:

Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

ES: 'EXPEDIDO A POSTERIORI'

CS: 'VYSTAVENO DODATEČNĚ'

DA: 'UDSTEDT EFTERFØLGENDE'

DE: 'NACHTRÄGLICH AUSGESTELLT'	HU: 'MÁSODLAT'
ET: 'VÄLJA ANTUD TAGASIULATUVALT'	MT: 'DUPLIKAT'
EL: 'ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ'	NL: 'DUPLICAAT'
EN: 'ISSUED RETROSPECTIVELY'	PL: 'DUPLIKAT'
FR: 'DÉLIVRÉ A POSTERIORI'	PT: 'SEGUNDA VIA'
IT: 'RILASCIATO A POSTERIORI'	SL: 'DVOJNIK'
LV: 'IZSNIEGTS RETROSPEKTĪVI'	SK: 'DUPLIKÁT'
LT: 'RETROSPEKTYVUSIS IŠDAVIMAS'	FI: 'KAKSOISKAPPALE'
HU: 'KIADVA VISSZAMENŐLEGES HATÁLLYAL'	SV: 'DUPLIKAT'
MT: 'MAHRUĠ RETROSPETTIVAMENT'	AR: 'نسخة'
NL: 'AFGEGEVEN A POSTERIORI'	
PL: 'WYSTAWIONE RETROSPEKTYWNIĘ'	
PT: 'EMITIDO A POSTERIORI'	
SL: 'IZDANO NAKNADNO'	
SK: 'VYDANÉ DODATOČNE'	
FI: 'ANNETTU JÄLKIKÄTEEN'	
SV: 'UTFÄRDAT I EFTERHAND'	
AR: 'الصادرة بأثر رجعي'	

2. Article 19(2) shall be replaced by the following:

The duplicate issued in this way must be endorsed with one of the following words:

ES: 'DUPLICADO'
CS: 'DUPLIKÁT'
DA: 'DUPLIKAT'
DE: 'DUPLIKAT'
ET: 'DUPLIKAAT'
EL: 'ΑΝΤΙΠΡΑΦΟ'
EN: 'DUPLICATE'
FR: 'DUPLICATA'
IT: 'DUPLICATO'
LV: 'DUBLIKĀTS'
LT: 'DUBLIKATAS'

3. Annex V shall be replaced by the following:

*Spanish version*

El exportador de los productos incluidos en el presente documento [autorización aduanera nº ...<sup>(1)</sup>] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ...<sup>(2)</sup>.

*Czech version*

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ...<sup>(1)</sup>) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...<sup>(2)</sup>.

*Danish version*

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...<sup>(1)</sup>), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...<sup>(2)</sup>.

*German version*

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...<sup>(1)</sup>) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ...<sup>(2)</sup> Ursprungswaren sind.

*Estonian version*

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ...<sup>(1)</sup>) deklareerib, et need tooted on ...<sup>(2)</sup> sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

*Greek version*

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. ...<sup>(1)</sup>] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ...<sup>(2)</sup>.

*English version*

The exporter of the products covered by this document (customs authorisation No ...<sup>(1)</sup>) declares that, except where otherwise clearly indicated, these products are of ...<sup>(2)</sup> preferential origin.

*French version*

L'exportateur des produits couverts par le présent document [autorisation douanière n° ...<sup>(1)</sup>] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...<sup>(2)</sup>.

*Italian version*

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. ...<sup>(1)</sup>] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...<sup>(2)</sup>.

*Latvian version*

Eksportētājs produktiem, kuri ietverti šajā dokumentā [muitas pilnvara Nr. ...<sup>(1)</sup>], deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ...<sup>(2)</sup>.

*Lithuanian version*

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr ...<sup>(1)</sup>) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ...<sup>(2)</sup> preferencinės kilmės prekės.

*Hungarian version*

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ...<sup>(1)</sup>) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...<sup>(2)</sup> származásúak.

*Maltese version*

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...<sup>(1)</sup>) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...<sup>(2)</sup>.

*Dutch version*

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...<sup>(1)</sup>), verklaart dat,

behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn<sup>(2)</sup>.

*Polish version*

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...<sup>(1)</sup>) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...<sup>(2)</sup> preferencyjne pochodzenie.

*Portuguese version*

O exportador dos produtos cobertos pelo presente documento [autorização aduaneira n.º ...<sup>(1)</sup>], declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...<sup>(2)</sup>.

*Slovenian version*

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ...<sup>(1)</sup>) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...<sup>(2)</sup> poreklo.

*Slovak version*

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...<sup>(1)</sup>) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ...<sup>(2)</sup>.

*Finnish version*

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa N:o ...<sup>(1)</sup>) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperäituotteita<sup>(2)</sup>.

*Swedish version*

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...<sup>(1)</sup>) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung<sup>(2)</sup>.

*Arabic version*

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم .....<sup>(1)</sup>) بإستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من .....<sup>(2)</sup>.

*Article 5***Presidency of the Association Committee**

Article 78(3) shall be replaced by the following:

The Association Committee shall be chaired in turn by a representative of the the Commission of the European Communities and by a representative of the Government of the Arab Republic of Egypt.'

## CHAPTER II

## TRANSITIONAL PROVISIONS

## Article 6

**Proofs of origin and administrative cooperation**

1. Proofs of origin properly issued by either Egypt or a new Member State under preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries under this Protocol, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of either the preferential tariff measures contained in the EU-Egypt Agreement or in the Community System of Generalised Preferences;
- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within a period of four months from the date of accession.

Where goods were declared for importation in either Egypt or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Egypt and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted provided that it is submitted to the customs authorities within a period of four months from the date of accession.

2. Egypt and the new Member States are authorised to retain the authorisations with which the status of 'approved exporters' has been granted under preferential agreements or autonomous arrangements applied between them, provided that:

- (a) such a provision is also provided for in the agreement concluded prior to the date of accession between Egypt and the Community; and
- (b) the approved exporter applies the rules of origin in force under that agreement.

These authorisations shall be replaced, no later than one year after the date of accession, by new authorisations issued under the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 shall be accepted by the competent customs authorities of either Egypt or the new Member States for a period of three years after the

issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

## Article 7

**Goods in transit**

1. The provisions of the Agreement may be applied to goods exported from either Egypt to one of the new Member States or from one of the new Member States to Egypt, which comply with the provisions of Protocol 4 and which on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in Egypt or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of proof of origin issued retrospectively by the customs authorities of the exporting country.

## GENERAL AND FINAL PROVISIONS

## Article 8

The Arab Republic of Egypt undertakes that it shall neither make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII in relation to this enlargement of the Community.

## Article 9

For the year 2004, the volumes of the new tariff quotas and the increases in the volumes of existing tariff quotas shall be calculated as a pro rata of the basic volumes, taking into account the part of the period elapsed before the date of application of this protocol.

## Article 10

This Protocol shall form an integral part of the Euro-Mediterranean Agreement. The Annexes and declaration to this Protocol shall form an integral part thereof.

## Article 11

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States, and by the Arab Republic of Egypt in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

#### Article 12

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

2. This Protocol shall apply provisionally as from 1 May 2004.

#### Article 13

This Protocol is drawn up in duplicate in each of the official languages of the Contracting Parties, each of these texts being equally authentic.

#### Article 14

The text of the Euro-Mediterranean Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

Hecho en Bruselas, el veinte de diciembre de dos mil cuatro.

V Bruselu dne dvacátého prosince dva tisíce čtyři.

Udfærdiget i Bruxelles, den tyvende december to tusind og fire.

Geschehen zu Brüssel am zwanzigsten Dezember zweitausendundvier.

Kahe tuhande neljanda aasta detsembrikuu kahekümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι Δεκεμβρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the twentieth day of December in the year two thousand and four.

Fait à Bruxelles, le vingt décembre deux mille quatre.

Fatto a Bruxelles, addì venti dicembre duemilaquattro.

Briselē, divi tūkstoši ceturtdā gada divdesmitajā decembrī.

Priimta du tūkstančiai ketvirtų metų gruodžio dvidešimtą dieną Briuselyje.

Kelt Brüsszelben, a kettőezer negyedik év december huszadik napján.

Magħmula fi Brussel fl-ghoxrin gurnata ta' Diċembru tas-sena elfejn u erbgha.

Gedaan te Brussel, de twintigste december tweeduizendvier.

Sporządzono w Brukseli dnia dwudziestego grudnia roku dwutysięcznego czwartego.

Feito em Bruxelas, em vinte de Dezembro de dois mil e quatro.

V Bruseli dvadsiateho decembra dvetisícčtyri.

V Bruslju, dvajsetega decembra leta dva tisoč štiri.

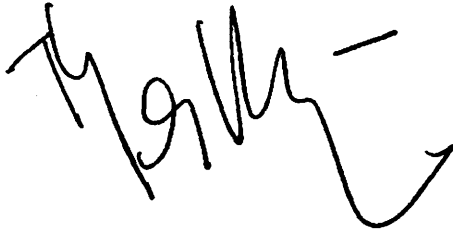
Tehty Brysselissä kahdentenakymmenentenä päivänä joulukuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den tjugonde december tjugohundrafyra.

وقع في بروكسل في اليوم العشرين من شهر ديسمبر عام ألفين وأربعة ميلادية.

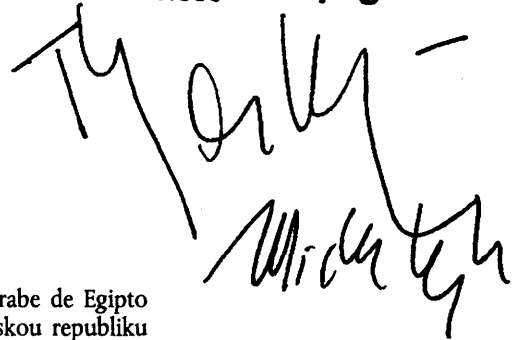
Por los Estados miembros  
 Za členské státy  
 For medlemsstaterne  
 Für die Mitgliedstaaten  
 Liikmesriikide nimel  
 Για τα κράτη μέλη  
 For the Member States  
 Pour les États membres  
 Per gli Stati membri  
 Dalībvalstu vārdā  
 Valstybių narių vardu  
 A tagállamok részéről  
 Għall-Istati Membri  
 Voor de lidstaten  
 W imieniu Państw Członkowskich  
 Pelos Estados-Membros  
 Za členské štáty  
 Za države članice  
 Jäsenvaltioiden puolesta  
 På medlemsstaternas vägnar

عن الدول أعضاء الاتحاد الأوروبي :



Por las Comunidades Europeas  
 Za Evropská společenství  
 For De Europæiske Fællesskaber  
 Für die Europäische Gemeinschaften  
 Euroopa ühenduste nimel  
 Για τις Ευρωπαϊκές Κοινότητες  
 For the European Communities  
 Pour les Communautés européennes  
 Per le Comunità europee  
 Eiropas Kopienų vārdā  
 Europos Bendrijų vardu  
 Az Európai Közösségek részéről  
 Għall-Komunitajiet Ewropej  
 Voor de Europese Gemeenschappen  
 W imieniu Wspólnot Europejskich  
 Pelas Comunidades Europeias  
 Za Európske spoločenstvá  
 Za Evropske skupnosti  
 Euroopan yhteisöjen puolesta  
 På europeiska gemenskapernas vägnar

عن الجماعة الأوروبية :



Por la República Árabe de Egipto  
 Za Egyptskou arabskou republiku  
 For Den Arabiske Republik Egypten  
 Für die Arabische Republik Ägypten  
 Egiptuse Araabia Vabariigi nimel  
 Για την Αραβική Δημοκρατία της Αιγύπτου  
 For the Arab Republik of Egypt  
 Pour la République arabe d'Égypte  
 Per la Repubblica araba di Egitto  
 Egiptes Arābu Republikas vārdā  
 Egipto Arabų Respublikos vardu  
 Az Egyiptomi Arab Köztársaság részéről  
 Għar-Repubblika Għarbija ta' l-Egittu  
 Voor de Arabische Republiek Egypte  
 W imieniu Arabskiej Republiki Egiptu  
 Pela República Árabe do Egipto  
 Za Egyptskú arabskú republiku  
 Za Arabsko republiko Egipt  
 Egyptin arabitasavallan puolesta  
 På Arabrepublikens vägnar

عن جمهورية مصر العربية :

